life or lives in being, and twenty-one years and nine months thereafter. If the vesting of the interest is postponed, or the power of alienation is suspended, for a longer period, it is unlawful, and the devise or grant is void. But the limitation, in order to be valid, must be so made that the estate or interest not only may, but must necessarily, vest within the prescribed period. If by any possibility the vesting may be postponed beyond this period, the limitation over will be void. The rule concerns itself only with the vesting—the commencing—of estates, and not with their termination. These established principles are all reiterated, with ample citation of authority, in the very recent case of *Pulitzer* v. *Livingston*, 89 Me. 359, 36 Atl. 635. It will not be difficult to apply them to the case at bar.

"The testator plainly provided for an accumulation of his estate in the hands of trustees for the gross period of thirty years, without any reference to any life or lives in being. And this is the essential character of the trust, notwithstanding the discretionary authority given the trustees to expend money for the education, support, and maintenance of various beneficiaries. It is, nevertheless, an accumulative trust. Such beneficiaries took no vested interest. In order to give them any interest, the trustees must exercise their discretion. The exercise of that discretion is a condition precedent. It is entirely uncertain and contingent whether that discretion will be exercised within the prescribed period or not."

Quoting Gray on Perpetuities, p. 378:

"The rule against perpetuities is not a rule of construction, but a peremptory command of the law. It is not, like a rule of construction, a test, more or less artificial, to determine intention. Its object is to defeat intention. Therefore every provision in a will or settlement is to be construed as if the rule did not exist, and then to the provision so construed the rule is to be remorselessly applied."

See extensive note, 49 Am. St. Rep. 117.

CONSTITUTIONAL LAW—BILL OF RIGHTS—SEARCH WARRANTS.—The eleventh article of the declaration of rights of the State of Vermont provides "that the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure, and therefore warrants without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places or to seize any person or persons, his, her, or their property, not particularly described, are contrary to that right, and ought not to be granted."

Where an officer had a search warrant to search the person of the accused for stolen goods, and found on and took from him a letter written to him by a person whom the accused later introduced as a witness—the letter containing material testimony tending to impeach him—*held*, that the letter is inadmissible. *State* v. *Sloman* (Vt.), 50 Atl. 1097.

Per Taft, C. J.:

"It is needless to discuss this question. We refer to the case of John Wilkes, of the *North Briton*, whose house was searched and his papers indiscriminately seized by virtue of a warrant issued by Lord Halifax, secretary of state. In an action of trespass, Wilkes recovered £1,000 against Wood, one of the parties who made the search, and £4,000 against Lord Halifax. Also to *Entick* v. *Carrington*, 19 How. State Tr. 1029, and *Boyd* v. *U. S.*, 116 U. S. 616, 6 Sup. Ct. 524, 29 L.

ed. 746. These cases contain the reasoning and conclusions upon this question of the greatest courts of the English-speaking nations."

The letter was also held inadmissible under Article 10 of the declaration of rights, providing "that in all prosecutions for criminal offences no person can be compelled to give evidence against himself."

The case of *Boyd* v. *United States* (*supra*) is a remarkably interesting one. An act of Congress authorizing a court of the United States in revenue cases to require the defendant or claimant to produce in court his private books, invoices and papers, or else the complaint to be taken for confessed, was held to be repugnant to the Fourth and Fifth Amendments to the Federal Constitution, the scope of which was thus extended to suits for penalties or to establish a forfeiture.

The court rules that constitutional provisions for the security of the person and property should be liberally construed; that it does not require actual entry upon premises and search and seizure to constitute an "unreasonable" search and seizure; that a compulsory production of a party's books and papers to be used against himself is within the amendments, and that it is equivalent to a compulsory production of papers to make their non-production a confession of the allegations which it is pretended they will prove.

The case was carefully distinguished from the search for and seizure of stolen and forfeited goods, or goods liable to duties and concealed to avoid the payment thereof, as it was also from section 724 of the Revised Statutes, giving the federal courts power in the trial of actions at law to compel the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases where they might be compelled to produce the same by the ordinary rules of proceeding in chancery.

Said Mr. Justice Bradley: "It is elementary knowledge that one cardinal rule of the court of chancery is never to decree a discovery which might tend to convict the party of a crime, or to forfeit his property. And any compulsory discovery by extorting the party's oath, or compelling the production of his private books and papers, to convict him of crime or to forfeit his property, is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purposes of despotic power, but it cannot abide the pure atmosphere of political liberty and personal freedom."

We commend the entire opinion as well to the practical as to the history-loving lawyer.

There is much authority, however, for the view that evidence will not be excluded because illegally obtained—in which *Boyd* v. *U. S.* is distinguished on the ground that in that case the court itself ordered the invasion of the defendant's right. See 5 Va. Law Reg. 574.

FURTHER RULINGS IN BANKRUPTCY.—*Jurisdiction.*—Where a bankrupt has scheduled certain property with his petition and it has been turned over to the trustee, or to the referee until the selection of a trustee, it is in possession of the bankrupt court and cannot be levied upon by a sheriff executing the process of a State court. The bankruptcy court undoubtedly has jurisdiction to determine the rights of others asserting a lien upon or an interest in the property, and to that end